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EXAMINER

THAI, CANG G

ART UNIT PAPER NUMBER

3629

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,200

Applicant(s)

SEETHARAMAN ET AL.

Examiner

Cang G. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on 04/15/2005 has been entered.

Applicant renumbered the second instance of claim 12 as claim 13 and renumbered original claims 13-15 as claims 14-16 accordingly.

Applicant added claims 17 and 18.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

1. whether the invention is within the technological arts; and
2. whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere idea in the abstract (i.e. abstract ideas, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e. physical sciences as opposed to social sciences for example), and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, use or advance the technological arts.

In the present case, Claim 1 is directed to "a method of developing a computer software system, comprising the steps of:

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defining a first interface between a proposed view sub-system and a proposed business logic sub-system;

defining a second interface between a proposed handler sub-system and the proposed business logic sub-system;

creating the proposed view sub-system in accord with the first interface; and

creating the proposed handler sub-system in accord with the second interface".

In the present case, Claim 1 does not require any technology. The recited steps of developing a computer software system does not apply, involve, use, or advance the technological arts since all of the recited steps can be done with no technology at all. The recited steps only constitute an idea of that separating a large piece of software into its constituent parts makes development and maintenance of the system much easier to manage.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful (specific utility), concrete (repeatability and/or implementation without undue experimentation), and tangible (a real or actual affect) result.

Response to Arguments

3. Applicant's arguments filed 4/15/2005 have been fully considered but they are not persuasive. There is no technical subject matter is found in the body of the claim, therefore, it is merely an abstract idea and do not produce a useful, tangible, concrete results which has a practical application in the technological arts.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As for claims 17 and 18, it is unclear on how each sub-system is isolated from another sub-system in the computer program?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,640,249 (BOWMAN-AMUAH).

As for Claim 1, BOWMAN-AMUAH discloses a method of developing a computer software system, comprising the steps of:

defining a first interface between a proposed view sub-system and a proposed business logic sub-system {See Fig. 40, Element 4006};

defining a second interface between a proposed handler sub-system and the proposed business logic sub-system {See Fig. 40, Element 4002};

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creating the proposed view sub-system in accord with the first interface {See Fig. 40, Element 4006-User Interface}; and

creating the proposed handler sub-system in accord with the second interface {See Fig. 40, Element 4002-Domain Business Object}.

As for Claim 2, BOWMAN-AMUAH discloses the method according to claim 1, further comprising the steps of:

defining a third interface between the proposed view sub-system and the proposed handler sub-system {See Fig. 40, Element 4004}; and

creating the proposed view sub-system in accord with both the first and third interfaces {See Fig. 40, Element 4004-Process Activity}.

As for Claim 3, BOWMAN-AMUAH discloses the method according to claim 1, further comprising the steps of:

defining a fourth interface between the proposed view sub-system and the proposed handler sub-system {See Fig. 40, Element 4006}; and

creating the proposed handler sub-system in accord with both the second and the fourth interfaces {See Fig. 40, Element 4006}. It appears that the step defining a forth interface also perform the creating the proposed handler sub-system.

As for Claim 4, which has the same limitations as in Claims 2 and 3, respectively, therefore, it is rejected for the similar reasons set forth in Claims 2 and 3, respectively.

As for Claim 5, BOWMAN-AMUAH discloses the method according to claim 1, wherein:

the first interface defines a plurality of methods for data storage and retrieval that are implemented in the business logic sub-system {Column 110, Lines 49-51, wherein this reads over "the report distribution database specifies where, when, how, and to whom to distribute the produced report"}.

As for Claim 6, BOWMAN-AMUAH discloses the method according to claim 1, wherein:

the second interface defines a plurality of methods of business logic that are implemented in the business logic sub-system {Column 110, Lines 56-57, wherein this reads over "a user interface function can be built to open and browse report files"}.

As for Claim 7, BOWMAN-AMUAH discloses the method according to claim 2, wherein:

the third interface is a listener interface that defines a plurality of methods in the handler sub-system which respond to actions in the view sub-system {Column 110, Lines 65-67, wherein this reads over "this custom report process is responsible for processing all messages requesting generation, manipulation, or distribution of reports"}.

As for Claim 8, BOWMAN-AMUAH discloses the method according to claim 3, wherein:

the fourth interface defines a plurality of methods which are implemented in the view sub-system for use by the handler sub-system {Column 111, Lines 7-9, wherein this reads over "report generation is supported by an additional report writer process that contains all application-defined report writer modules"}.

As for Claim 9, BOWMAN-AMUAH discloses the method according to claim 1, wherein:

the view sub-system includes a plurality of user interface objects {See Fig. 1, Element 135};

the handler sub-system includes a plurality of use case control objects {See Fig. 40, Element 4006-UI Controller}; and

the business logic sub-system includes a plurality of business logic objects {See Fig. 10, Element 1024}.

As for Claim 10, BOWMAN-AMUAH discloses the method according to claim 1, wherein:

the sub-systems are created substantially independently of each other once the interfaces have been defined {See Fig. 32, Element 3200}.

As for Claim 11, BOWMAN-AMUAH discloses a computer software system comprising:

a view sub-system including presentation objects which provide a user interface {See Fig. 40, Element 4006};

a business logic sub-system including use case objects which hold business data and implement business functions {See Fig. 40, Element 4004};

a handler sub-system including controller objects which control actions of the view sub-system and actions of the business logic sub-system {See Fig. 40, Element 4002};

a data interface through which the view sub-system obtains business data for the presentation objects {See Fig. 33, Element 3304}; and

a business interface through which the handler sub-system invokes business functions {See Fig. 135, Element 13504}.

As for Claim 12, BOWMAN-AMUAH discloses the system according to claim 11, further comprising:

a listener interface through which the handler sub-system responds to events in the user interface {Column 17, Lines 13-14, wherein this reads over “the architect must being to and researching the needs of the client”}.

As for Claim 13, BOWMAN-AMUAH discloses the system according to claim 11, further comprising:

a view action interface through which the handler sub-system invokes actions in the user interface {Column 2, Lines 22-23, wherein this reads over “validation rules are also structured for validating user data across the multiple user interfaces”}.

As for Claim 14, BOWMAN-AMUAH discloses a computer program comprising:

at least one view object including presentation objects which provide a user interface {See Fig. 40, Element 4002};

at least one business logic object holding business data and implementing business functions {See Fig. 40, Element 4006};

at least one handler object which controls actions of at least one of the view objects and actions of at least one of the business logic objects {See Fig. 40, Element 4004};

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a data interface through which the at least one view object obtains business data for the presentation objects {See Fig. 40, Element 3904}; and

a business interface through which the at least one handler object invokes business functions {See Fig. 39, Element 3902}.

As for Claim 15, BOWMAN-AMUAH discloses the computer program according to claim 13, further comprising:

a listener interface through which the handler object responds to events in the user interface {Column 17, Lines 13-14, wherein this reads over "the architect must being to and researching the needs of the client"}.

As for Claim 16, BOWMAN-AMUAH discloses the computer program according to claim 13, further comprising:

a view action interface through which the handler object invokes actions in the user interface {Column 2, Lines 22-23, wherein this reads over "validation rules are also structured for validating user data across the multiple user interfaces"}.

As for claim 17, BOWMAN-AMUATH discloses the computer program according to claim 11 further comprising:

sixth instructions for further defining the view sub-system, the business logic sub-system, and the handler sub-system such that each sub-system is isolated from another sub-system {Column 14, Lines 15-18, wherein this reads over "a programmer writing a framework program not only relinquishes control to the user (as is also true for event loop programs), but also relinquishes the detailed flow of control within the program to the framework"}.

As for claim 18, BOWMAN-AMUATH discloses the computer program of claim 14 further comprising:

sixth instructions for further defining the view sub-system, the business logic sub-system, and the handler sub-system such that each sub-system is isolated from another sub-system {Column 14, Lines 18-22, wherein this reads over "this approach allows the creation of more complex systems that work together in interesting ways, as opposed to isolated programs, having custom code, being created over and over again for similar problems"}.

Response to Arguments

9. Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection.

BOWMAN's does show the proposed handler sub-system in "Business Entity Components 4002 and Business Process Components 4002 typically reside on a server" {Column 130, Lines 29-31}.

BOWMAN's does show the interfaces through client activity "while User Interface Components 4006 typically reside on a client" {Column 130, Lines 31-32}.

BOWMAN's does show or suggest that the various components interact via the middleware "this type of an architecture might introduce complexities into the application that deal with the sharing of and reliance on central data across many users" {Column 121, Lines 56-58}.

BOWMAN's does show the limitation of claims 11 and 14. For claims 11 and 14, BOWMAN discloses the system Fig. 40, wherein this reads over "the Eagle Application

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Model which illustrates how the different types of Partitioned Business Components might interact with each other. Business Entity Components 4002 and Business Process Components 4004 typically reside on a server, while User Interface Components 4006 typically reside on a client" {Column 130, Lines 27-32}.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT
6/27/05


DEANT. NGUYEN
PRIMARY EXAMINER